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Human rights questions

Measures to eliminate international terrorism

Letter dated 29 October 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to inform you that, despite all the action taken by his friends and relatives, by the Government of Cuba and by individuals and institutions in the United States of America, the authorities of that country continue to subject Mr. René González, who is serving a long and unfair prison sentence, to cruel, inhuman and degrading treatment. As we had the honour to inform you in our letter of 4 June 2002 (A/56/969), the appeal against this sentence is still pending.

On 25 September 2002, the United States authorities refused for a second time to issue the visa requested by Ms. Olga Salanueva, Mr. González's wife; Mr. González is a United States citizen who has been sentenced to 15 years' imprisonment. The application was filed on 10 July of this year, so the authorities took 87 days to make their decision.

On 23 April 2002, the United States Department of State had revoked the entry visa to the United States issued to Ms. Salanueva so that she could visit her husband, Mr. González, at the penitentiary in Loreto, Pennsylvania, accompanied by her daughter, Ivette.

The child, who is only four years old and was born and lived in the United States until her mother was expelled after a cruel and illegal imprisonment, has been prevented from seeing her father, a prisoner since 1998, almost all her life.

The purpose of constantly denying, revoking and/or delaying for long periods the issue of an entry visa into the United States for Mr. González's wife can only be to cause the prisoner additional suffering during his appeal. They are acts of detestable cruelty and blatant illegality and constitute flagrant and systematic violations of his human rights and those of his family.

* Reissued for technical reasons.

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I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly under items 109 and 160.

Accept, Sir, the renewed assurances of my highest consideration.

(*Signed*) Bruno Rodriguez **Parrilla**
Ambassador
Permanent Representative

Annex to the letter dated 29 October 2002 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

[English and Spanish]

Statement by Mr. Ricardo Alarcón de Quesada, President of the National Assembly of People's Power of Cuba

I would like to offer the readers some information on events following the unjust incarceration of our five heroic countrymen and some additional figures related to the trial itself that were unavailable at the time of the first edition's publication.

I should warn you this is more than likely not the final edition. That is United States justice, particularly the Miami mob-style and corrupt justice and the manner in which it is practised.

The news is that six months after being unjustly sentenced and after having presented the due appeals, the case file is still in Miami and has not yet been passed onto the Atlanta circuit court for revision. Why? Because no one has decided what to do with hundreds of sealed documents classified as "evidence". Perhaps the fortunate readers of future editions will someday know more of the content and nature of these documents. Prologue after prologue, book after book, discovery after discovery, the full story will emerge and one day the whole truth will prevail.

When I wrote the previous prologue I had not been able to study some important portions of the official documentation. The reader will remember that at that time I referred to a key issue that invalidated and annulled the entire legal process from its very conception: it was carried out in a city ruled by the anti-Cuban terrorist mafia — Miami. It is utterly impossible to imagine a fair and impartial trial of Cuban patriots, defenders of their Revolution, being held in Miami. We must presume that the members of the jury — who in a highly unlikely hypothesis would themselves be free of all anti-Cuban prejudices — would be subject to intimidation, threats and blackmail from terrorist groups.

The reality was even worse than the prediction. The verbatim minutes from the trial, beginning on 27 November with the selection of the jury, until 5 June 2001, when the jury withdrew to prepare its verdict, offer clear evidence of the intimidation of these jurors by individuals passing for local journalists and reporters from TV Martí, a station that is controlled by and acts in the name of the United States Government. I did not get this information from a "spy", but from someone above all suspicion: none other than the Honourable Joan A. Lenard, the federal judge who presided over his trial. On pages 111 and 112 from 27 November the reader will find the Judge's complaints regarding cameramen and other provocative elements assailing possible jurors in the very doors of the courthouse. Reading on to pages 14,644 to 14,646 from 5 June, we will find Lenard's description of how the cameras relentlessly pursued the jurors until even their licence plates were filmed. Ms. Lenard tells of how her own secretary witnessed the press pursue the jurors up to the courthouse steps and even to the interior elevator (p. 14,644). According to the judge, the jurors "are concerned. They are concerned they are being filmed and pressed ..." (p. 14,646). The judge did nothing, however, to put an end to this

shameful situation. In the judge's words, the jurors were "being pressed" and were "concerned". These are the words recorded in the minutes of the trial and yet she did nothing. The individuals who so scandalously flaunted the norms of a legal trial were clearly identified as employees of a company — TV Martí — that is an official agency of the United States Government. Who was it, therefore, who went on record publicly and openly pressuring the jury without the slightest attempt at concealment?

Within these conditions it is easier to understand the jury's seemingly surprising behaviour. Just a few short hours were needed to arrive at a unanimous decision on the previously announced hour and date. They expressed no doubts, asked for no clarifications and declared the five suspects guilty of all charges. They did not hesitate, even over the most serious charge — that accusing Gerardo Hernández of conspiracy to commit first degree murder. Even the U.S. Attorney's office had admitted that it had been unable to prove this charge and therefore asked the Court of Appeal — in a rare move — to review the jury's instructions and reduce the gravity of the charge. In its emergency petition for writ of prohibition to the Court of Appeal on 25 May 2001, the U.S. Attorney's office recognized that "in light of the evidence presented in this trial, this presents an insurmountable hurdle for the United States in this case, and will likely result in the failure of the prosecution on this court" (p. 21) since it "imposes an insurmountable barrier to this prosecution in contravention of the established law" (p. 27). The Government was afraid of the fact that "it is highly probable that the jury will request further elaboration on this issue" (pp. 20-21).

However, although the Court of Appeal rejected the Government's petition, nothing like it happened. Without further ado and without a moment's hesitation, the jury declared Gerardo guilty in the first degree of the alleged crime.

I will now comment on a recent piece of information carefully smothered by the so-called mass media.

On 23 April 2002, the State Department revoked the visa it had previously granted to Olga Salanueva, wife of René González, thereby forbidding her and Ivette, her four-year old daughter with René, from "visiting". Ivette last saw her father in 1998, when she was only four months old. On both occasions her father was cuffed, chained and kept at a distance by the FBI agents that surrounded him.

Although Ivette was but beginning her journey through life, she was in fact emulating that heroic exploit that both the Vikings and that most famous Genovese Admiral claim for their own. Ivette discovered a world of immeasurable evil that forced her to wait in the arms of her mother before the building where her father was incarcerated so that he could glimpse her wild curly hair and her first tentative steps through the skylight of his prison cell. It was this same evil that snatched her from her mother's arms when Olga herself was imprisoned for three months. Some day little Ivette will be able to read, in the minutes of the trial, the unbelievable declarations of the Government's representative who saw a potential "spy" in that little girl. She will someday come to know the irrational hatred the American authorities feel for Rene González and his family.

But it is important that the readers know now the causes of this perverse and stupid behaviour.

The case of René González is the key to understanding the true nature of a process guilefully hatched with the sole purpose of protecting anti-Cuban terrorism and of punishing those who combat it from within the United States. René himself captures this in his plea: "If I felt compelled to go to trial, it was from a sense of solidarity with my brothers". They did not accuse him of espionage, they did not beset him with the slanderous accusation of "murder". René was solely and exclusively condemned for having penetrated terrorist groups based in Miami and informed Cuba of their criminal plans. If he had cooperated with the U.S. Attorney's Office and given fake evidence to help fabricate the false accusations against his fellow countrymen he would now be a free man. He would be a free man without dignity. Dignity he has in excess. In an effort to force his cooperation they mistreated his wife, his daughters and himself with abominable cruelty. And they continue to abuse them all today because they know that René González is, in his very essence, an irrefutable proof of the innocence of all five.

He is such convincing proof that both prosecutors and the judge, moved by rage, left a clear record of this disgraceful trial at the moment they passed sentence. It is worthwhile to study their word:

The judge declared: "Whether terrorism is committed against innocents in the United States or Cuba, Israel or Jordan, Northern Ireland or India, it is evil and it is wrong, but the terrorist acts by others cannot excuse the wrongful and illegal conduct of this defendant or any other." (Transcript of the sentence hearing before Honourable Judge Joan A. Lenard, 14 December 2001, pp. 42-43.) In a similar vein the prosecutor expressed "concern that the defendant, after serving his sentence, would persist with his activities" (idem p. 26). Therefore, the prosecutor insisted that, aside from the 15 years in prison — the highest possible sentence for the alleged crime — René should also be "supervised" after his release (idem pp. 26-27). The Judge, bowing to a government request, included this extraordinary order within her sentencing: "As a further special condition of supervised release, the defendant is prohibited from associating with or visiting specific places where individuals or groups such as terrorists, members of organizations advocating violence, and organized crime figures are known to be or frequent." (idem pp. 45-46).

These are words spoken in a federal court, in Miami, three months after the atrocities committed on 11 September. This is the manner in which this remarkable judge and the representatives of a hypocritical government acted: a Government whose President never ceases to shamelessly declare that "if you harbour a terrorist, you're just as guilty as a terrorist".

The only thing missing from Mr. Bush's declaration was that not only does his Government harbour terrorists, protect and defend them, announcing that it will continue to do so for the next 15 years, but he also gets together to drink with them and celebrate their common misdeeds, just like he did on 20 May in the sinister revelry held in Miami.

The victims of terrorism demand justice. All of its victims. Those brutally murdered in the Twin Towers and those that fell on other September 11ths. Those victims that continue to suffer the state terrorism promoted by an arrogant empire that has not only claimed a continent's name for itself, but also plunders and tyrannizes that very same continent. All the victims, including the five Cuban

heroes, demand justice. Every single one, not forgetting little Ivette whom in her tender innocence has helped us to discover the truth.

5 June 2002